

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1204

Introduced by Senator Runner
(Coauthor: Senator Harman)
(Coauthor: Assembly Member Lieu)

February 18, 2010

An act to amend Sections 290.013 and 290.015 of, and to add Section 290.0125 to, the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1204, as amended, Runner. Sex offenders: social networking prohibition: online address notification requirement.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so and provides that a violation of the sex offender registration law is a crime, punishable as specified.

~~This bill would provide that a person who is required to register as a sex offender shall be (1) prohibited from opening an account on, or otherwise participating in, an Internet-based social network, and (2) required to notify the Department of Justice of any or all of his or her online addresses, as specified. By creating new crimes, this bill would impose a state-mandated local program.~~

This bill would prohibit a person who is required to register as a sex offender, as a condition of any parole, from opening an account on, or otherwise participating in, a social networking Internet Web site, as defined. The prohibition would apply to all registrants who are paroled on or after January 1, 2011, and to all previously registered parolees 10 days after receiving notice or after reregistration.

The bill would provide that a person who is required to register as a sex offender notify the Department of Justice of any or all of his or her online addresses, e-mail addresses, and instant messaging user names, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.0125 is added to the Penal Code, to
2 read:

3 ~~290.0125. Every person who is required to register pursuant~~
4 ~~to the Act, shall be prohibited from opening an account on, or~~
5 ~~otherwise participating in, an Internet-based social network.~~

6 290.0125. (a) Every person who is required to register
7 pursuant to the Act shall, as a condition of any parole, be
8 prohibited from opening an account on, or otherwise participating
9 in, a social networking Internet Web site, as defined in subdivision
10 (c).

11 (b) Subdivision (a) shall apply to all registrants who are paroled
12 on or after January 1, 2011, and to all previously registered
13 parolees 10 days after receiving notice or after reregistration.

14 (c) For purposes of this chapter, a “social networking Internet
15 Web site” is defined as any of the following:

16 (1) An Internet Web site that permits members, often including
17 juveniles, to communicate with acquaintances and strangers, and
18 that does all of the following:

19 (A) Allows individuals to construct a public or semi-public
20 profile within a bounded system.

21 (B) Allows individuals to articulate a list of other users with
22 whom they share a connection.

23 (C) Allows individuals to view and traverse their list of
24 connections and those made by others within the system.

25 (2) An Internet-based service that explicitly calls itself a dating
26 Internet Web site.

1 (3) *An Internet-based service that expressly prohibits*
2 *participation by convicted sex offenders.*

3 (d) *A “social networking Internet Web site” shall not include*
4 *a professional networking Internet Web site or an electronic*
5 *commerce Internet Web site, unless the Internet-based service*
6 *prohibits participation by convicted sex offenders by its own terms.*

7 (1) *A “professional networking Internet Web site” is defined*
8 *as an Internet-based service that exists primarily for the purpose*
9 *of allowing individuals to build a list of professional or business*
10 *connections.*

11 (2) *An “electronic commerce Internet Web site” is defined as*
12 *an Internet-based service that exists primarily for the sale,*
13 *purchase, or auction of goods.*

14 SEC. 2. Section 290.013 of the Penal Code is amended to read:

15 290.013. (a) Any person who was last registered at a residence
16 address pursuant to the Act who changes his or her residence
17 address, whether within the jurisdiction in which he or she is
18 currently registered or to a new jurisdiction inside or outside the
19 state, shall, in person, within five working days of the move, inform
20 the law enforcement agency or agencies with which he or she last
21 registered of the move, the new address or transient location, if
22 known, and any plans he or she has to return to California.

23 (b) If the person does not know the new residence address or
24 location at the time of the move, the registrant shall, in person,
25 within five working days of the move, inform the last registering
26 agency or agencies that he or she is moving. The person shall later
27 notify the last registering agency or agencies, in writing, sent by
28 certified or registered mail, of the new address or location within
29 five working days of moving into the new residence address or
30 location, whether temporary or permanent.

31 (c) The law enforcement agency or agencies shall, within three
32 working days after receipt of this information, forward a copy of
33 the change of address information to the Department of Justice.
34 The Department of Justice shall forward appropriate registration
35 data to the law enforcement agency or agencies having local
36 jurisdiction of the new place of residence.

37 (d) If the person’s new address is in a Department of Corrections
38 and Rehabilitation facility or state mental institution, an official
39 of the place of incarceration, placement, or commitment shall,
40 within 90 days of receipt of the person, forward the registrant’s

1 change of address information to the Department of Justice. The
2 agency need not provide a physical address for the registrant but
3 shall indicate that he or she is serving a period of incarceration or
4 commitment in a facility under the agency's jurisdiction. This
5 subdivision shall apply to persons received in a department facility
6 or state mental institution on or after January 1, 1999. The
7 Department of Justice shall forward the change of address
8 information to the agency with which the person last registered.

9 ~~(e) Between January 1, 2011, and December 31, 2011, the person~~
10 ~~shall be required to notify the Department of Justice regarding all~~
11 ~~of his or her online addresses no later than December 31, 2011,~~
12 ~~and, on and after January 1, 2012, the person shall be required to~~
13 ~~notify the Department of Justice regarding any or all of his or her~~
14 ~~online addresses no later than 30 days after establishing a new~~
15 ~~online account.~~

16 *(e) A person required to register pursuant to the Act shall notify*
17 *the Department of Justice regarding all of his or her online*
18 *addresses, e-mail addresses, and instant messaging user names*
19 *no later than December 31, 2011, and thereafter, within 30 days*
20 *of establishing a new online account. Notification may be filed in*
21 *the same manner as a change of address or may be completed and*
22 *verified online as permitted by the Department of Justice.*

23 SEC. 3. Section 290.015 of the Penal Code is amended to read:

24 290.015. (a) A person who is subject to the Act shall register,
25 or reregister if the person has previously registered, upon release
26 from incarceration, placement, commitment, or release on probation
27 pursuant to subdivision (b) of Section 290. This section shall not
28 apply to a person who is incarcerated for less than 30 days if he
29 or she has registered as required by the Act, he or she returns after
30 incarceration to the last registered address, and the annual update
31 of registration that is required to occur within five working days
32 of his or her birthday, pursuant to subdivision (a) of Section
33 290.012, did not fall within that incarceration period. The
34 registration shall consist of all of the following:

35 (1) (A) A statement in writing signed by the person, giving
36 information as shall be required by the Department of Justice and
37 giving the name and address of the person's employer, and the
38 address of the person's place of employment if that is different
39 from the employer's main address.

1 ~~(B) The statement shall include a notice that the person is~~
2 ~~prohibited under Section 290.0125 from opening an account on,~~
3 ~~or otherwise participating in, an Internet-based social network.~~

4 ~~(C) The statement shall include a notice that, between January~~
5 ~~1, 2011, and December 31, 2011, the person shall be required under~~
6 ~~Section 290.013 to notify the Department of Justice regarding all~~
7 ~~of his or her online addresses no later than December 31, 2011,~~
8 ~~and, on and after January 1, 2012, the person shall be required~~
9 ~~under Section 290.013 to notify the Department of Justice regarding~~
10 ~~any or all of his or her online addresses no later than 30 days after~~
11 ~~establishing a new online account.~~

12 *(B) An acknowledgment that the person, while on parole, is*
13 *prohibited under Section 290.0125 from opening an account on,*
14 *or otherwise participating in, a social networking Internet Web*
15 *site, as defined in subdivision (c) of Section 290.0125.*

16 *(C) An acknowledgment that the person is required under*
17 *Section 290.0125 to notify the Department of Justice regarding*
18 *all of his or her online addresses, e-mail addresses, and instant*
19 *messaging user names no later than December 31, 2011, and,*
20 *thereafter, within 30 days of establishing a new online account.*

21 (2) The fingerprints and a current photograph of the person
22 taken by the registering official.

23 (3) The license plate number of any vehicle owned by, regularly
24 driven by, or registered in the name of the person.

25 (4) Notice to the person that, in addition to the requirements of
26 the Act, he or she may have a duty to register in any other state
27 where he or she may relocate.

28 (5) Copies of adequate proof of residence, which shall be limited
29 to a California driver's license, California identification card, recent
30 rent or utility receipt, printed personalized checks or other recent
31 banking documents showing that person's name and address, or
32 any other information that the registering official believes is
33 reliable. If the person has no residence and no reasonable
34 expectation of obtaining a residence in the foreseeable future, the
35 person shall so advise the registering official and shall sign a
36 statement provided by the registering official stating that fact.
37 Upon presentation of proof of residence to the registering official
38 or a signed statement that the person has no residence, the person
39 shall be allowed to register. If the person claims that he or she has
40 a residence but does not have any proof of residence, he or she

1 shall be allowed to register but shall furnish proof of residence
2 within 30 days of the date he or she is allowed to register.

3 (b) Within three days thereafter, the registering law enforcement
4 agency or agencies shall forward the statement, fingerprints,
5 photograph, and vehicle license plate number, if any, to the
6 Department of Justice.

7 SEC. 4. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.